

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**Martine P. Gooden,**

**Plaintiff,**

**v.**

**Case No. 2:10-cv-116**

**Gordon McDaniles, et al.,**

**Judge Michael H. Watson**

**Magistrate Judge E.A. Preston Deavers**

**Defendants.**

**ORDER**

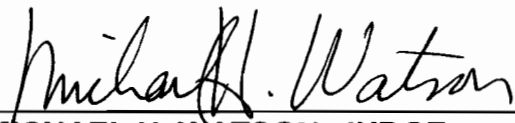
This matter is before the Court for consideration of the December 15, 2011 Report and Recommendation of the United States Magistrate Judge, to whom this case was referred pursuant to 28 U.S.C. § 636(b). ECF No. 43. The Magistrate Judge recommended that the Court grant Defendants' Motion for Summary Judgment, ECF No. 20, and dismiss Plaintiff's claims against Defendants without prejudice.

The Report and Recommendation of the Magistrate Judge specifically advises Plaintiff that the failure to object to the Report and Recommendation within fourteen days of the Report results in a "waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court." Report and Recommendation 12, ECF No. 43. The time period for filing objections to the Report and Recommendation has expired. Plaintiff has not objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation of the Magistrate

Judge. Noting that no objections have been filed and that the time for filing such objections expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge, ECF No. 43, **GRANTS** Defendants' Motion for Summary Judgment ECF No. 20, and **DISMISSES WITHOUT PREJUDICE** Plaintiff's claims against Defendants for failure to exhaust administrative remedies. Additionally, the Clerk is directed to terminate ECF Nos. 28, 33, and 41 as moot and to terminate this case from the Court's pending cases list.

**IT IS SO ORDERED.**

  
**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**